

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

VICTOR VARGAS

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2004 NOV 30 A 10:57
U.S. DISTRICT COURT
DISTRICT OF MASS
CRIMINAL NO. 04-10126-RWZ

MOTION TO PERMIT DEFENSE EXPERT TO TAKE INKED PRINTS OF DEFENDANT

Defendant, by counsel, respectfully moves this Court for an order permitting his defense expert, a fingerprint examiner, access to defendant in the lockup of this courthouse so that he can take a set of inked prints of defendant.


As grounds for this motion, undersigned counsel states:

1. Defendant is charged with making a false application for a passport. The government has lifted prints from the passport application and claims that they are a match with defendant's prints. The government has made the original application available for defense examination this morning.

2. The fingerprint expert for the defense is Richard Whelan, a former state trooper and retired security officer at the federal courthouse in Worcester. This morning Mr. Whelan sought permission from Deputy United States Marshal Jeffrey Bohn to get access to defendant to get a set of inked prints. Deputy Bohn said that a court order was necessary to permit access to defendant in the lockup.

3. To obtain a set of inked prints, undersigned counsel asks this Court for an order permitting Mr. Whelan to have access to defendant in the lockup for the brief period necessary to get an inked set of prints.

By his attorney,


/s/ Charles P. McGinty

Charles P. McGinty

B.B.O. #333480

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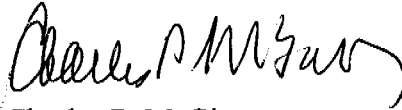
November 30, 2004

SO ORDERED:


JOYCE LONDON ALEXANDER
United States Magistrate Judge

CERTIFICATE OF SERVICE

I, Charles P. McGinty, hereby certify that a true copy of the above document was served upon Assistant United States Attorney Sandra Bower by delivery on November 30, 2004.


Charles P. McGinty

Certificate of Service